

OFFICIAL FILE  
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS )

COUNTY OF COOK )

SS

ORIGINAL

ILLINOIS <sup>62941</sup>  
COMMERCE COMMISSION

2006 DEC 29 A 10:46

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION CHIEF CLERK'S OFFICE

VILLAGE OF BELLWOOD, )

Petitioner, )

vs. )

ILLINOIS BELL TELEPHONE )  
COMPANY, an Illinois corporation, )

Respondents. )

Petition for approval of the taking of certain )  
property owned by a public utility in )  
Cook County, Illinois by exercising the )  
right of eminent domain. )

Docket No.:

06-0814

**PETITION FOR APPROVAL TO TAKE PROPERTY**

TO THE ILLINOIS COMMERCE COMMISSION:

Petitioner, THE VILLAGE OF BELLWOOD, pursuant to Section 102 of the Eminent Domain Act of Illinois (735 ILCS 5/7-102), requests approval of the Illinois Commerce Commission for the taking of certain property owned by ILLINOIS BELL TELEPHONE COMPANY ("the Utility"), a public utility subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION.

1. Petitioner is a home rule unit of local government by virtue of the provisions of Article VII, Section 6, of the Constitution of the State of Illinois of 1970.

2. Petitioner has all powers necessary and convenient to carry out and to effectuate the purposes and provisions of an act of the General Assembly of the State of Illinois, approved January 10, 1977, an Act being designated in the text hereof as "Tax Increment Allocation Redevelopment

Act,” 65 ILCS 5/11-74.4-1, *et seq.* (“the Act”) and being entitled.

3. That on April 26, 2006, the Village Board of the Village of Bellwood (“the Board”), as set forth in Ordinance No. 6-50, designated the North TIF Redevelopment Project Area (“the Project Area”) of the Village of Bellwood a Redevelopment Project Area pursuant to the Act. (See attached “Exhibit A”).

4. That on April 26, 2006, the Board, as set forth in Ordinance No. 6-51, adopted the use of tax increment allocation financing for financing certain North TIF Redevelopment Project Area redevelopment project costs (defined in the Act) and to allocate ad valorem taxes levied pursuant to the Plan. (See attached “Exhibit B”).

5. That on April 26, 2006, the Board, as set forth in Ordinance No. 6-49, approved and adopted the Tax Increment Redevelopment Plan (“Plan”) and Redevelopment Project (“Project”) for the North TIF Redevelopment Area. (See attached “Exhibit C”).

6. That the North TIF Redevelopment Area is a public improvement project constituting a public purpose, namely the improvement of the Village of Bellwood.

7. The Utility is subject to the jurisdiction of the Commission.

8. The Utility is the title holder to certain real property, said property being located in the Village of Bellwood, County of Cook, the legal description of which is as follows:

THE NORTH 250 FEET OF THE SOUTH 475 FEET OF THE  
WEST 483 FEET (EXCEPT EASTERN AVE.) OF THE NORTH ½  
OF THE NORTHEAST ¼ OF SECTION 9, TOWNSHIP 39  
NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL  
MERIDIAN, IN COOK COUNTY, ILLINOIS.

The common address for said property is known as:

125 Eastern Avenue, Bellwood, Cook County, Illinois

This real property is located within the North TIF Redevelopment Area and the acquisition of the

property is necessary for a public use and public purpose, specifically, to implement and effectuate the Plan and the Project.

9. The acquisition of the property herein described will not interfere with, or negatively impact, the operation of the utility. Indeed, the property herein described is currently used for a garage-type facility for the storage and maintenance of service vans owned and/or operated by the Utility.

10. The terms of compensation to be paid by the Petitioner for the property herein described cannot be agreed upon between the Petitioner and the Utility, although Petitioner has attempted to effect such an agreement. Petitioner, therefore, is authorized and desires to proceed to acquire the property under the eminent domain laws of this State.

11. Section 7-102 of the Code of Civil Procedure requires Petitioner to obtain approval of the Commission prior to the taking or damaging of the Utility's property, as described above.

WHEREFORE, Petitioner, THE VILLAGE OF BELLWOOD, requests the Commission to approve the taking of the above described real property of the Utility by the exercise of eminent domain.

Dated: December 28, 2006

Respectfully submitted,  
VILLAGE OF BELLWOOD

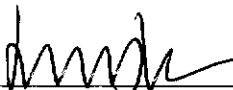
By: 

One of its attorneys

Kevin W. Horan  
John J. Rock  
Adam R. Moreland  
ROCK FUSCO, LLC  
321 N. Clark Street, Suite 2200  
Chicago, IL 60610  
(312) 494-1000  
(312) 494-1001 (facsimile)

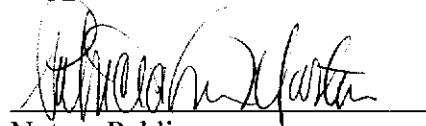
**VERIFICATION**

I, John J. Rock, being first duly sworn, upon oath, depose and say that I am one of the attorneys for the Village of Bellwood, that I have read the above and foregoing Petition, I have knowledge of the contents thereof, and that on information and belief said contents are true and correct.

  
\_\_\_\_\_

John J. Rock

SUBSCRIBED and SWORN  
to before me this 28<sup>th</sup> day of  
December, 2006

  
\_\_\_\_\_

Notary Public



**AFFIDAVIT OF SERVICE**

I, John J. Rock, an attorney, on oath state that I served the foregoing Petition (and all exhibits thereto) upon the following addresses at their respective addresses set forth:

Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62708  
(original and three copies)

via OVERNIGHT MAIL DELIVERY and upon

Illinois Bell Telephone Company  
c/o CT Corporation System  
208 S. LaSalle Street, Suite 814  
Chicago, Illinois 60604

via HAND DELIVERY on Thursday, December 28, 2006.



---

John J. Rock